

REMARKS**Introduction – Claim Status**

This amendment is submitted in response to the Office Action dated April 11, 2003, and is accompanied by a Petition for Extension of Time with fee payment authorization.

The Office Action indicates that claims 20-77 are pending, with claims 25-37, 39, 40, 46-58, 60, 61 and 74-77 being withdrawn from consideration. In the present amendment, claims 20-40 are canceled without prejudice or disclaimer, claims 41-43, 59, and 62-72 are amended for additional clarity, and new claims 78-130 are presented for entry and consideration on the merits. No new matter has been added.

Applicants have also amended the specification to clarify the status of the parent application, in accordance with the requirement set forth in the Office Action, thus obviating the objection to the specification.

Applicants respectfully request reconsideration in view of the herewith presented amendments and remarks.

The 35 USC §112, ¶2 Rejections

The Office Action rejects claims 45, 59 and 62-73 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action states that the references for “data” (as per claim 45) is unclear and confusing, because it is not understood as to whether it is referred to the integrated data from the host server or the data provided by the user. Applicant has amended this

claim for additional clarity, and submits that this rejection has been obviated and rendered moot.

The Office Action also states that the reference for the “client computers are capable of controlling display data on other remoter clients in real time by means of data sent with the broadcasted combined signal” (as per claim 71) is also unclear, because it is not understood as to how the client computer can control the display data on the other remote clients, and it is also not understood as to how the client computer can sent the broadcasted combined signal. Applicant respectfully disagrees and traverses this rejection on the grounds that to one skilled in the art this claim recitation is clear an definite based on the plain language meaning of the claim itself, as well as in view of the specification. That is, based on the claim language itself, and further in view of the specification, Applicants respectfully submit that to one skilled in the art this claim language clearly means that the combined signal broadcast by the host includes information received by the host from client computers, which information provides for control of the display data of other remote clients that receive the combined broadcast signal.

The Office Action also asserts that the “means for delivering e-mail” (as per claim 72) is also unclear. Applicants have amended claim 72 for additional clarity, and thus submit that this rejection has been obviated and rendered moot.

Finally, the Office Action asserts that the preamble of the claimed method (as per claims 62-73) are misdescriptive and confusing, because the claimed structural elements are directed to apparatus and none of the method steps have been clearly claimed. Applicants respectfully submit that these claims satisfy 35 USC § 112, ¶ 2, because to one skilled in the art the limitations clearly set forth the method steps carried

out by various structural elements. Nevertheless, Applicants have amended claims 62-73 to obviate this rejection.

In view of the foregoing, Applicants respectfully request withdrawal of the rejections under 35 USC §112, ¶2.

The 35 USC §102(e) Rejection

The Office Action states that claims 20, 21, 24, 38, 41, 42, 45 and 59 as best understood are rejected under 35 U.S.C. §102(e) as being anticipated by Mullett (U.S. Pat. No. 5,655,214).

More specifically, the Office Action asserts the following:

Figs. 1-3 of Mullett broadly discloses the method, the computer-readable medium, or the system for remote communication comprising at least one host server (1, 31) for integrating/combining data received from at least one of a plurality of client computers (13, 41) with the television signal and broadcasting the television signal and the client computer for receiving, tuning the tuner card for separating the integrated data from the television signal into video and data display, and presenting the video and data in separate area of the display device (42) (see from column 2, line 37 to column 4, line 40).

Applicants respectfully traverse this rejection and also note that since Applicants have herein canceled claims 20, 21, 24, and 38, without prejudice or disclaimer, this §102(e) rejection has been rendered moot with respect to these canceled claims.

Applicants' invention requires, *inter alia*, "at least one host server that integrates data received from at least one of a plurality of client computers with a first signal to provide a signal for broadcasting" (claim 41). Additionally, Applicants' claimed invention is directed to "a computer-readable medium containing instructions . . . operative in implementing a method comprising: receiving data defining actions of at least one of

the plurality of client facilities; and combining the received data defining actions as at least a part of the signal that is transmitted by the broadcasting facility” such that the signal is capable of being received by the plurality of client facilities (claim 59).

Thus, Applicants’ claimed invention requires, *inter alia*, an apparatus or method operative in integrating data received from a client device into a signal that is provided for broadcasting for reception by at least one of the client devices. Mullett, however, does not teach or suggest such, *inter alia*, integrating data received from one of a plurality of client devices to provide a signal for transmission to the client devices. Said differently, Mullett fails to teach or suggest a signal provided for transmission to the client devices and that contains data received from at least one of the client devices.

More specifically, Mullet relates to a system that distributes broadcast television and/or teletext signals to one or more remote viewing locations. In the embodiment of Figure 2, Mullet shows an outstation/remote PC that can remotely control the tuner card in the base station to select a television channel and teletext pages. Similarly, in the embodiment of Figure 3, Mullet teaches that each of the separate remote PCs 41 controls the tuning of a respective tuner card 43 via the cabling 40. In each of these embodiments, baseband video, demodulated audio, and/or decoded teletext data is transmitted to the outstation/remote PC along a respective cabling for the outstation/remote PC.

In stark contrast to Applicants’ claimed invention, in Mullett, none of these signals transmitted from the base station to the outstation/remote PC contains any data (e.g., representing address info, or text, etc.) that the base station received from one of the outstation/remote PCs. Specifically, Mullett teaches only that a remote PC can

send a control signal to the base station, and the base station responds by transmitting the selected video channel and/or teletext information to the remote PC, devoid of any data that was contained in the control signal sent by the remote PC. the signals transmitted by the base station do not contain any information (e.g., address data and/or text data, etc.) that was received from one of the client devices. Accordingly, Mullett does not teach or suggest integration of data originating at a client device into a signal provided for broadcast transmission for reception by one or more client devices, as claimed by Applicants.

For at least these reasons, Applicants respectfully submit that Mullett does not anticipate Applicant's claimed invention, and thus the §102(e) rejection should be withdrawn.

The 35 USC §103(a) Rejection

The Office action also states that claims 22, 23, 43, 44 and 62-73 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullett (U.S. Pat. No. 5,655,214) in view of Throckmorton et al (U.S. Pat. No. 5,818,441).

Applicants respectfully traverse this rejection and also note that since Applicants have herein canceled claims 22 and 23, without prejudice or disclaimer, this §103(a) rejection has been rendered moot with respect to these canceled claims.

Regarding claims 43 and 44, these claims are directly or indirectly dependent on base claim 41, which Applicants respectfully submit is patentably distinct over the asserted combination of Mullett and Throckmorton for reasons similar to those presented above in connection with the §102(e) rejection. More specifically, Applicants respectfully submit that Mullett and Throckmorton, alone or in combination, do not teach

or suggest, *inter alia*, integrating data received from a client device into a signal that is provided for broadcasting for reception by at least one of the client devices, as claimed by Applicants

Throckmorton relates to a system and method for simulating two-way connectivity for one way data streams by transmitting associated data along with a primary information stream to a consumer/client. The consumer/client receives the transmitted primary and associated data stream, with the associated data being stored locally at the consumer/client device. The consumer's/client's commands input via a user interface cause the locally stored associated data to be accessed and processed, and thus the consumer perceives the associated data as being the result of interactivity with external sources of information. There is, however, no actual two-way communication between the consumer/client device and the provider of the primary and associated data—only the appearance of such two-way communication.

Even in the further embodiment in which Throckmorton describes that the associated data can provide the consumer with two-way connectivity/interaction (e.g., by providing a hyperlink), this two-way connectivity is not between the consumer/client device and the facility that provides the primary and associated data signals. Rather, the associated data results in a separate two-way communications channel being established between the consumer/client device and a remote computer that is distinct from the facility that broadcasts the primary and associated data streams.

Accordingly, Applicants respectfully submit that Throckmorton does not remedy the deficiency of Mullett with respect to Applicants' claimed invention (claim 41) because Throckmorton, alone or in combination with Mullett, does not teach or suggest, *inter alia*, integrating data received from a client device into a signal that is provided for

broadcasting for reception by at least one of the client devices, as claimed by Applicants.

For at least these reasons, Applicants submit that claim 41 as well as claims dependent thereon (e.g., claims 43 and 44) are patentably distinct over the combination of Mullett and Throckmorton, and thus the §103(a) rejection should be withdrawn with respect to these claims. Applicants further submit, however, that these dependent claims recite limitations that provide additional and independent bases for patentable distinction over the cited prior art, and Applicants respectfully reserve the right to present these grounds at a later date.

Regarding claim 62, the Office Action asserts the following:

[I]t is noted that the teaching of Mullett does not specifically disclose . . . data from another computer electronically connected to the host (as per claim 62) as required. However, Figs. 1-5 of Throckmorton et al broadly . . . data from another computer electronically connected to the host (see from column 3, line 36 to column 9, line 25). Hence, it would have been obvious to one of ordinary skill in the art to modify the method, the computer-readable medium, or the system of Mullett with the features of the . . . data from another computer as taught by Throckmorton et al as both Mullett and Throckmorton et al are directed to the method, the computer-readable medium, or the system for remote communication, so as to provide the user of the remote client computer to communicate with the host facility and at least one of the plurality of client computer.

Applicants respectfully disagree and traverse this rejection of claim 62 at least on the grounds that there is no motivation or suggestion to combine and modify the teachings of Mullett and Throckmorton to arrive at Applicants' claimed invention. More specifically, as discussed above, Throckmorton is specifically focussed on only one-way data streams from the host facility to the consumer/client system, and giving only the

appearance of two-way connectivity. Accordingly, at the time of the invention, one skilled in the art would not have been motivated to combine or modify the teachings of Throckmorton with respect to data from another computer electronically connected to the host and Mullett because Throckmorton, in fact, teaches away from actual two-way interaction between a client device and a host facility. Applicants respectfully submit that absent such a motivation or suggestion to combine, the §103(a) rejection of claim 62 (and claims dependent thereon) cannot stand, and should be withdrawn.

Applicants further submit, however, that the claims dependent on claim 62 recite limitations that provide additional and independent bases for patentable distinction over the cited prior art, and Applicants respectfully reserve the right to present these grounds at a later date. Moreover, regarding the Office Action's assertion that client computers capable of controlling display data on other remote client (as per claim 71) is old and well known and considered an arbitrary and obvious design choice, Applicants respectfully disagree and request that if this position is maintained that the Examiner provide an affidavit or cite a prior art reference substantiating this assertion.

In sum, for at least the foregoing reasons, Applicants respectfully request that the §103(a) rejections be withdrawn.

Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections is respectfully requested and allowance of all pending claims is respectfully submitted.

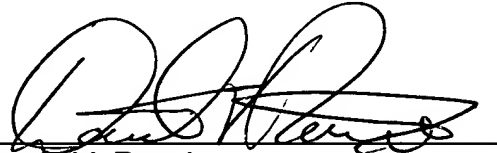
If any outstanding issues remain, or if the Examiner has any suggestions for

expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number below.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

MORGAN & FINNEGAN

A handwritten signature in black ink, appearing to read 'David V. Rossi', written over a horizontal line.

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